

111TH CONGRESS  
2D SESSION

# S. 4005

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## AN ACT

To amend title 28, United States Code, to prevent the proceeds or instrumentalities of foreign crime located in the United States from being shielded from foreign forfeiture proceedings.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Preserving Foreign  
3 Criminal Assets for Forfeiture Act of 2010”.

4 **SEC. 2. PRESERVATION OF PROPERTY SUBJECT TO FOR-**  
5 **FEITURE UNDER FOREIGN LAW.**

6 Section 2467(d)(3)(A) of title 28, United States  
7 Code, is amended to read as follows:

8 “(A) RESTRAINING ORDERS.—

9 “(i) IN GENERAL.—To preserve the  
10 availability of property subject to civil or  
11 criminal forfeiture under foreign law, the  
12 Government may apply for, and the court  
13 may issue, a restraining order at any time  
14 before or after the initiation of forfeiture  
15 proceedings by a foreign nation.

16 “(ii) PROCEDURES.—

17 “(I) IN GENERAL.—A restraining  
18 order under this subparagraph shall  
19 be issued in a manner consistent with  
20 subparagraphs (A), (C), and (E) of  
21 paragraph (1) and the procedural due  
22 process protections for a restraining  
23 order under section 983(j) of title 18.

24 “(II) APPLICATION.—For pur-  
25 poses of applying such section  
26 983(j)—

1           “(aa) references in such sec-  
2           tion 983(j) to civil forfeiture or  
3           the filing of a complaint shall be  
4           deemed to refer to the applicable  
5           foreign criminal or forfeiture pro-  
6           ceedings; and  
7           “(bb) the reference in para-  
8           graph (1)(B)(i) of such section  
9           983(j) to the United States shall  
10          be deemed to refer to the foreign  
11          nation.”.

Passed the Senate December 14, 2010.

Attest:

*Secretary.*

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